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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,881	07/31/2003	Wai Kai Wong	9046/20	1813

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EXAMINER

LEE, GUIYOUNG

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,881

Applicant(s)

WONG ET AL.

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 04/29/2005.
2. Claim 26 is cancelled and claims 1-25 and 27-44 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-25 and 27-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-18, 20-23, 30-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 1, 20, 30, and 38: The phrase "wherein the controller flashes the lamps in a first sequence when the switch closes at a low frequency and the controller flashes the lamps in a second sequence when the switch closes at a higher frequency" is not clear to the Examiner. First, the terms "a low frequency" and "a high frequency" in claims 1, 20, 30 and 38 are the relative terms which render the claim indefinite. The terms "a low frequency" and "a high frequency" are not defined by the claim, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Second, according to the Specification

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provided by Applicant, the terms "a low frequency" is defined as follow: "The user may, for instance, be walking, in which case the inertia switch will be tripped slowly, at a low frequency, such as tripping the inertia switch at a rate of less than 3 times per second or 3 Hz". If this is the definition for the terms "a low frequency" and "a higher frequency", then, the phrase should be modified to "wherein the controller flashes the lamps in a first sequence when the switch closes at a low frequency tripping at a rate of less than 3 times per second and the controller flashes the lamps in a second sequence when the switch closes at a higher frequency tripping at a rate of more than 3 times per second" or a similar appropriate phrase.

Claims 2-15, 17-18, 20-23, 31-37, and 39-44 are necessarily rejected because of their dependency.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 7-11, 13-15, 17-25, and 27-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy in view of Yeung (US 6,776,498 B2).

8. Re claims 1-5, 7-11, 13-15, 17-25, and 27-44: Roy discloses the claimed flashing light system on a foot wear and the method of displaying a message by the flashing light system comprising a controller (16 in Fig. 7); a battery power source (20) connected to the controller; an inertia or motion switch (22 and col. 3, lines 16-18) connected to at least one of the power source

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and the controller; a first plurality of LEDS (15 of the alphanumeric "H" in Fig. 4B) connected to the controller, wherein the switch and the controller activate the first plurality of LEDS to display an alphanumeric character by flashing the LEDS in a sequence (col. 2, lines 55-65); and a second plurality of LEDS (15 of the alphanumeric "I" in Fig. 4B) connected to the controller, wherein the switch and the controller activate the second plurality of LEDS to display at least one pattern. Roy does not disclose the switch operating at a high or low frequency. However, Yeung teaches a switch operating at the threshold speed or operation frequency of the switch (col. 7, lines 60++). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Yeung's switch with Roy's switch in order to open or close the switch according to the speed of a wearer of lighted footwear.

9. Re claims 9 and 40: Yeung discloses a controller having at least two NAND circuits (See Fig. 2)

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claim 1 above, and further in view of Raskas et al. (US 5,615,111).

Re claim 6: Roy does not disclose that the controller is a CMOS controller. However, Raskas teaches the CMOS controller (col. 3, line 33). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Raskas' CMOS controller with Roy's controller in order to various functions of the flashing light system.

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11. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claims 1 and 24 above, and further in view of Wei (US 6,525,87 B2) cited by applicant.

Re claims 12 and 16: Roy does not disclose two different batteries and wherein at least one of the first and second pluralities of LEDs is connected to two different voltages in sequence. However, Wei teaches two different batteries (V1 and V2 in Fig. 3) and wherein at least one of the first and second pluralities of LEDs (41-43) is connected to two different voltages in sequence. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Roy's battery system to have two battery system as taught by Wei in order to provide two different driving voltages to the plurality of LEDs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



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